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innocence blog

A Web log for the Innocence Institute of Point Park University

THURSDAY, OCTOBER 26, 2006

Why did the D.A. block a murder inquiry?

This editorial appeared in the Delco Times of Pennsylvania on October 16, 2006:

Why did the D.A. block a murder inquiry?

In 1986, Alonzo Watts was convicted of murdering Cleophus Toler with a single shotgun blast in early September 1985. A man with a violent past, Watts' fate was sealed when a friend of the murder victim testified that, as he lay dying, Toler whispered, "Alonzo did it." Pretty serious evidence. But 22 years later Richard Hepburn, a Haverford native working with Centurion Ministries, believed Watts was telling the truth when he said he didn't do it.

He told Daily Times columnist Gil Spencer the trial transcript and the recanting of the friend's "Alonzo did it" testimony convinced him Watts was worth fighting for.

Spencer asked Watts to take a polygraph test. He agreed, but the prison refused to allow the inmate to be hooked up to a lie detector.

Steve Leach, Watts' attorney, also tried to get the results of a gunshot-residue test conducted by the state police after Watts' arrest. The Delaware County District Attorney's office declined to help him. On Oct. 7, Alonzo Watts died in prison. But the questions did not die with him.

Why would a prison object to an inmate taking a lie-detector test? Why would the District Attorney's office refuse to help a defense attorney get evidence that was not introduced at the trial?

And, most importantly, isn't the idea of justice to try and make sure the guilty go to prison and the innocent are set free?

This month a man was cleared of the rape of a police officer's wife after 21 years in prison. Scott Fappiano was 23 years old when he was convicted. The hard work of the Innocence Project and DNA evidence freed him at the age of 44.

This month a man in Australia was freed after serving 13 years for the bludgeoning death of a woman in 1994. Applying forensic techniques of 2006 proved he was wrongly convicted.

Two cases, one in New York and on another continent, but two among many.

The Innocence Project has many branches and a couple of names. Considered the first is Centurion, which started in 1983 and has helped 14 innocent people to be released from prison.

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Perhaps the best known is at the Benjamin N. Cardozo School of Law at Yeshiva University, founded in 1992.

But no matter the name or location, all the projects work to exonerate the innocent men and women in prison. Their work has set 183 wrongly convicted prisoners free. It has also prompted 31 states to initiate laws to provide for motions in post-conviction DNA testing.

Pennsylvania's statute enacted in 2002 "provides that persons sentenced to death may assert innocence in a motion for DNA testing of specific, available evidence for which DNA technology was not available at the time of the conviction, or the defendant's counsel did not seek testing, or the court refused to pay for testing for an indigent client."

While the statute provides for DNA evidence in death sentence cases, the Fappiano case proves it's just as important and should be provided for those not sentenced to death.

Evidence other than DNA appears not so easy to obtain. Why would gunshot-residue evidence that could either help confirm the conviction or help prove the innocence of a prisoner be denied to his lawyer?

While polygraphs cannot be used in a court of law, the test requested would have helped those willing to work on Watts' case for freedom.

Alonzo Watts died at age 57 a little over a week ago, but the questions still remain.

posted by Bridget @ [10:16 AM](#)



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The Delaware County Daily Times (delcotimes.com), Serving Delaware County, PA
Opinion

Spencer: Fighting the good fight for the innocent

Richard Hepburn is 73 years old. He has a mop of white hair and a limp. The white hair came with age, the limp, via hip replacement surgery -- his second. It's put his tennis game on hold. But he's staying busy doing other things, like trying to get innocent people out of prison.

Friday, August 25, 2006

By **Gil Spencer**

That's why he's here meeting me at the Court Diner in Media.

"I'll be driving the Toyota Matrix with the 'Kerry for President' bumper sticker on the back," he told me before we met.

A little about Hepburn:

He grew up in Havertown. Played baseball for Annunciation. Made the team as a fifth-grader.

"We had a couple of eighth-grade pitchers who could really bring it," he recalled

Hepburn played catcher. He couldn't hit. Couldn't throw. What he was good at was needling the opposition.

"I made them concentrate on hating me," he said.

It worked.

"We went 22-2 that year."

He played baseball and basketball at Haverford High School. Went to Villanova on an NROTC scholarship. Served three years in the Pacific as a midshipman. Came home and went to work as a math teacher in Lower Bucks County. Quit after six years, joined a CPA firm. Ran for Congress in 1968. Lost to Republican Ed Biester. Went back to teaching math and coaching baseball, basketball and tennis.

He retired in '91. Became a social worker and worked that job until '98.

During that time he read a magazine article about Jim McCloskey and Centurion Ministries getting innocent people out of jail. The idea appealed to him. So much so that he said to himself, "When I retire, I'm going there." It wasn't far, just up Route 1 in Princeton, N.J.

And that's what he did. He volunteered.

The organization gets about 1,200 requests a year from inmates all over the country proclaiming their innocence. Of those, only two or three are taken on by Centurion. The rest languish.

Hepburn's first case for the group involved a man named Barry Beach, convicted of the murder of a high school girl on an Indian reservation in Montana. He got life. Over the last five years, Hepburn has made 30 trips to Montana to re-investigate the case. He doesn't want to talk too much about it because Centurion is about to petition state officials on Beach's behalf and he doesn't want to throw a monkey wrench into that.

Suffice to say, Hepburn believes Beach is innocent.

He believes the same thing about Alonzo Watts, a Chester man convicted of shooting and killing a drug dealer named Cleophus Toler on Labor Day night, 1985. He's been in jail ever since.

Watts started writing Centurion some 10 years ago, proclaiming his innocence. But no one there was willing to go to bat for him until Hepburn arrived.

"I've been looking at this case since I came to Centurion," Hepburn said.

There were a few things that drew him to it. Watts' letters ("he writes very persuasively"); the trial transcript ("once I read that I was convinced.."); and it was a lot closer to home than Montana.

He has interviewed Watts three times at Graterford Prison. After each session he became more convinced of Watts' innocence.

"Many of the people who write us give up during the (investigation) process," Hepburn said. "They realized we're asking tough questions and they don't have the right answers. That hasn't happened with Alonzo."

But Centurion hasn't taken up Watts' case.

"I'm so bogged down in other cases, I haven't had the time to give this one a top-notch assessment," McCloskey told me earlier this week. "But Richard has."

And with McCloskey's "blessing" Hepburn has taken on the case, personally.

"I really like this guy and his family and I'm going to try to help him. I'm north of 70. And before I die I want to see him walk out of there," Hepburn said. "As you might suspect, I'm a bleeding-heart liberal."

I told him his bumper sticker gave him away.

I'm not a "bleeding-heart liberal," but you don't have to be to know that some tiny percentage of the people in prison today are actually innocent of the crimes they were convicted of. Even the National District Attorneys Association admits that 1 percent to 2 percent of the American prison population is wrongfully incarcerated. Hundreds of men and women have been proven to be innocent in the past after serving long stretches behind bars. Maybe Alonzo Watts is one of them.

Maybe not.

But I told Hepburn I'd read the trial transcript, make a few calls and talk to a few people -- including Watts, if he'll meet with me -- in the next few weeks.

After that, I'll come to my own conclusions.

And I'll report them back here.

Gil Spencer's column appears Sunday, Wednesday and Friday. E-mail gspencer@delcotimes.com

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The Delaware County Daily Times (delcotimes.com), Serving Delaware County, PA
Opinion

Spencer: Asking right questions is Rozsas' mantra **While working as a Media cop and later as a county detective, Roger Rozsas went to every professional training seminar available to him.**

Wednesday, September 20, 2006

When the Pennsylvania Human Relations Commission offered a course on ethnic intimidation, he was there.

When Delaware County Community College offered an accident reconstruction course, he volunteered to go.

By **Gil Spencer**

When the state police offered its electronic surveillance seminar, off he went to Hershey.

So it couldn't have surprised any of his peers that it was Roger's hand that went up when CID Chief John McKenna asked for a volunteer to take the forensic psychophysiology -- polygraph and advanced sexual offender training in Philadelphia.

He calls it a "thirst for knowledge," but it also landed him a marketable skill.

"When the opportunity posed itself," he said, "I jumped at it."

Today, Rozsas is one of the few certified polygraph examiners in Delaware County.

He left the District Attorney's Office last year and started his own company called Forensic Scientific Services Inc. He focuses on accident and crash reconstructions, but giving polygraph examinations is another one of his specialties.

"Please don't call it a lie detector test," Rozsas asks.

It's not a test. It's not even purely scientific. It's an art, says Rozsas. And that is why polygraph examinations are not admissible in any court in America.

Still, as Rozsas said, they are widely used as a "reliable investigative tool in the art of determining truthful suspects from deceptive ones."

Rozsas says experienced examiners can have up to a 90-percent accuracy rate. In the six years he's been at it, he says, he has yet to be proven wrong in any of the hundreds of tests he's administered.

It was his exam of Maurice Day that helped convince county investigators Day had been the shooter in the killing of Chester cop Mike Beverly.

Day was later convicted with the help of testimony from his cousin. A Rozsas-administered polygraph showed the cousin had "knowledge of the crime."

Rozsas points out the test is just as good for helping make sure innocent people aren't convicted.

When two young black men were charged with the execution-style slaying of a drug dealer in Upper Darby four years ago, they both agreed to go on the box.

Both passed the test, leading Rozsas to question the star witness who accused the two men of the killing in the first place.

"I was able to secure not only their passing the polygraph in specific regard to the shooting," Rozsas said, but he was also able to obtain a full confession from the fabricator who "told the police these two young men did it."

A polygraph test records three physiological reactions of its subjects: Perspiration, blood volume and breathing.

Critics of the test say that it is too subjective to be reliable. Some psychologists say it has a failure rate of up to 40

percent.

But Rozsas puts it a lot higher.

"Nothing is 100 percent in life," he says, but in the right hands, a polygraph machine is as good an investigative tool as investigators have.

It has helped him break cases other people were ready to dismiss as too unbelievable or too difficult to prove.

One case involved a young woman, who accused her father of raping her dozens of times over the course of several years.

A county Children and Youth Services worker and a detective found the woman's story hard to believe, but encouraged the father to take a polygraph test to clear his name. The man agreed and Rozsas was brought in.

After Rozsas explained how the test worked, the man had second thoughts about taking it. Further questioning by Rozsas led the man to admit he'd had sex with his daughter more than 75 times.

It was Rozsas I called after I was contacted by Richard Hepburn, an advocate for convicted murderer Alonzo Watts of Chester.

Watts was found guilty of the 1985 murder of a drug dealer named Cleophus Toler for which he is serving a life sentence.

He says he didn't do it. And he said he was willing to take a lie detector test if it will help others believe him.

I asked Rozsas if he'd test Watts. He was gracious enough to volunteer his time and expertise.

Last week, I visited Watts and he said he didn't have the faith in polygraph tests that I do. He said he's known people who are innocent who have failed them and guilty people who have beaten them.

It's possible, says Rozsas.

"You can't fool the machine, but you can fool the examiner," he said. "Some are nitwits. They're out there."

But Rozsas isn't one of them.

It's all a matter of asking the right questions, in the right way.

"I'm confident," he told me, "we can ask the correct and appropriate questions and determine from that whether he is being truthful or deceptive."

The sooner the better.

Gil Spencer's column appears Sunday, Wednesday and Friday. E-mail him at gspencer@delcotimes.com.

<http://www.delcotimes.com/articles/2006/12/29/opinion/17646624.prt>

The Delaware County Daily Times (delcotimes.com), Serving Delaware County, PA

Opinion

Spencer: Tommy's courageous battle touched many

This being my last column of the year, I usually run a recap of the best or most interesting stories from the previous 12 months.

Friday, December 29, 2006

A lot of interesting things happened, from Congressman Curt Weldon's defeat at the hands of upstart Admiral Joe Sestak, to Folcroft political boss Anthony Truscello being convicted of multiple crimes, to convicted murderer Alonzo Watts dying in prison before I got the chance to get a polygraph expert into Graterford to test his claims of innocence.

By Gil Spencer

Interesting things all.

But for me, there really was only one story this year. And it came early.

It was dropped in my lap by a waitress at Thomas' bar and restaurant, right around the corner from this newspaper.

It was about a kid suffering from cystic fibrosis who had a wish.

His name was Tommy Geromichalos and he wanted to see his school, St. Cyril's in East Lansdowne, saved from closing down.

By most accounts, the school was a goner -- a victim of sinking enrollment and budget cuts by the Philadelphia Archdiocese.

But Tommy, a sixth-grader who'd attended the school since kindergarten, wanted to graduate from the only school he'd ever known. It's a little school, old and beat-up. Still, it works better than most and Tommy considers it almost a second home.

So he wrote a letter to the Make-a-Wish Foundation.

Just the fact that a 12-year-old boy would want his school to stay open bad enough to make the effort to even write a letter I found moving, especially considering all the other stuff he could've wished for.

Then I read the letter and I realized this was not just any kid and this was not just any school.

After telling the Make-A-Wish people why his school was so great and why it needed to stay open, Tommy talked a little about himself.

"I don't make CF (cystic fibrosis) a big part of my life because I just want to be a normal kid, but sometimes it's just too hard. I've been in the hospital with CF with IVs in my arms and I've had surgeries on my stomach and my polyps.

"One time when I went to the hospital I even cried because I was afraid that God didn't love me because I asked my mom, 'How could God love me if he makes me suffer?' My mom cried and told me God loves us all and some things happen for reasons we don't know about. Father Kearns came to visit me at St. Chris and he talked to me and I got my faith back again.

"I don't know how to save my school and I need your help. I'll do anything that can make a difference. We need a MIRACLE ..."

So I wrote up the story of Tommy's letter and I thought that was the end of it. Because, to be perfectly frank, as

moving as I found Tommy's letter to be, I don't much believe in miracles anymore. Besides, everyone, from Make-A-Wish Foundation Director Dennis Heron to St. Cyril's pastor Father Kearns, to Tommy's own wonderful mother, Connie, all agreed Tommy's wish couldn't come true.

"Tommy will have a wish," Heron told me, "but it just does not look to be possible to be this wish."

There was just too much money that had to be raised (\$200,000) in too short a time (six weeks).

Yet, a couple days after the story ran, I got a phone call from a St. Cyril's parent who told me a "Save Our School" committee was being formed and fundraising campaign was getting under way.

I wished him luck and went on to write about other things.

That Wednesday night, some 500 people turned out at the first meeting to save St. Cyril's School. Within short order, committees were set up, a Web site was built and \$10,000 was pledged.

Other newspapers picked up on the story, as well as almost every local television station.

Well, you know the rest of the story. Thanks to the heroic efforts of hundreds of people and the generosity of thousands, the money was raised and the school was saved.

For now.

It was Tommy's wish for the school to stay open until he can graduate in 2008, and it is looking better and better, that his wish will come true. But his wish has led others to wish and work for an even brighter future for the school.

St. Cyril's now has a permanent development committee that works on fundraising year round in the hopes of keeping the school open far into the future.

The parents, teachers, students and alumni of St. Cyril's have been reminded of a valuable lesson: You want to get something done? Do it yourself.

Tommy Geromichalos is a great kid and terrific inspiration, but when push comes to shove, it's the grown-ups of this world who get things done.

I have been writing this column for 22 years and no story that I have worked on has taught me more -- or moved me more -- than this one.

Last year at this time, I had never heard of the Geromichalos family.

This year, I got a Christmas card from them.

It said: "Thank you for believing in Tommy's wish. God bless you and your family with health and happiness throughout the coming year."

It is signed, "Love, The Geromichalos Family -- Dan, Connie, Samantha and Tommy."

Samantha is 16 and suffers from cystic fibrosis, too.

Throughout their lives, the Geromichalos children have not been blessed with great health, but that doesn't mean they haven't been blessed.

They're both going to be graduates of St. Cyril's, aren't they?

Gil Spencer's column appears Sundays, Wednesdays and Fridays. E-mail him at gspencer@delcotimes.com.

<http://www.delcotimes.com/articles/2006/09/17/opinion/17207551.txt>

The Delaware County Daily Times (delcotimes.com), Serving Delaware County, PA
Opinion

Spencer: Did Alonzo Watts murder Cleophus Toler?

During his 1986 trial for the murder of Cleophus Toler, Alonzo Watts never took the witness stand. Given his colorful past it was understandable why his lawyer didn't let him.

Sunday, September 17, 2006

Some 15 years earlier, while still a U.S. Marine, he shot and nearly killed a military policeman on a bus in North Carolina. He was charged and convicted of aggravated assault with intent to kill.

By Gil Spencer

When he got out of prison, eight years later, he returned home to Chester. Just 81 days later, he was involved in another shooting.

He did two more years for that one, getting out of prison in 1980.

Five years later, he would be accused of still another shooting. For this one, he would be arrested, charged and ultimately convicted of shooting and killing Toler.

Watts says he didn't do it.

Wednesday morning I drove up to Graterford State Prison, where Watts is in his 22nd year of a life sentence.

I was there to give him a chance to put his story on the record. He didn't hesitate to take it.

He said on the night of Sept. 3, 1985, after a Labor Day picnic, he drove to the Live Wire bar at Sixth and Morton. There he ran into Rodney Powell and several other friends he hadn't seen in quite a while.

Since getting out of prison in 1980, Watts had been working full time for a carpet-cleaning company called Fiber Clean. His boss had recently promoted him to field manager.

He worked six days a week, sometimes 10 to 12 hours a day. He didn't have as much time to party as he used to.

On this night, however, with the next day off, Watts was having a good time. It was 9 p.m. and the night was just getting started.

At around 11 p.m., Powell asked Watts for a ride down to the William Penn project. Watts agreed to take him because he said it gave him a chance to check up on his son, who was living with his mom and his stepfather. Watts said he wanted to make sure his son wasn't outside hanging with the drug crowd.

"Every opportunity I got, I'd stop down there to make sure he wasn't clockin. Back then, they were using kids to sell ..It was an open-air drug market."

In fact, that was why Rodney Powell had wanted to come down here -- to cop some cocaine.

Watts was glad not to see his son out among the crowd. He said he had a word with his son's aunt, who lived nearby, and then he drove Rodney Powell and a woman named Cathy Morgan back to the Live Wire.

The party went on until 4:30 a.m., with people hanging out in the street, laughing, drinking and carrying on.

When he finally decided it was time to go, Watts got in his car and pulled into the service station across the street from the bar. He saw Powell talking to Cleophus Toler, who was sitting in his own "big-ass Cadillac." Watts parked his Dodge Charger, got out and started to walk around to where Powell was standing to tell him he was leaving. That's when he heard an explosion.

"Instinctively, I dropped down," he said.

Within seconds, he saw Cleophus Toler run past him. Then Rodney Powell walked up to him and said, "Get me out of here, man."

It wasn't until he started driving that Watts noticed all the blood on Powell's shirt.

"His T-shirt was covered with blood. I asked him, 'Do you want to go to the hospital?' He said 'No, take me home.' I said, 'You sure?' And he says, 'Just take me to my mom's house.'

Watts said he didn't find that strange "because I've been shot out there" too.

I asked Watts who shot him, but he didn't want to say.

"Some guy just heated me up," he replied. "He resented something I did to one of his friends. We talked about it afterward. I socked one of his very best friends and he really didn't appreciate it. So, you know, it happens."

Which is how he explained the shooting of Cleophus Toler.

"Just an average night on the avenue," said Watts. "You know, some beers, some gunfire and 'Let's get the hell out of here!'"

He said when he finally figured out it was Toler who had gotten shot, he didn't think he'd been hit that bad. After all, he was running like a jackrabbit when he last saw him.

But Toler was mortally wounded. He would, a short time later, die on the front porch of Josephine Cobb -- but not before whispering to his distraught girlfriend, Debbie Church, "Tell them Alonzo did it." Or so Church said at his trial. (She has since recanted that testimony.) Powell testified against him, too. (He has not recanted.)

So that's Alonzo's story. Is it true? I don't know.

But when I asked him if he'd be willing to take a lie-detector test to back it up, he said he would.

I am in the process of arranging one and hope to have it done in the next couple of weeks.

Stay tuned.

Gil Spencer's column appears Sunday, Wednesday and Thursday. E-mail him a gspencer@delcotimes.com

<http://www.delcotimes.com/articles/2006/10/13/opinion/17322124.txt>

The Delaware County Daily Times (delcotimes.com), Serving Delaware County, PA
Opinion

Spencer: An old case has taken on a new twist

When I last left Alonzo Watts at Graterford state prison, he had agreed to take a lie-detector test to prove he was innocent of killing a Chester drug dealer named Cleophus Toler 21 years ago.

Friday, October 13, 2006

Richard Hepburn, a 73-year-old retired Algebra teacher from Bucks County who had investigated the Watts case for several years, had convinced me that there was at least some reason to doubt Watts was guilty.

By **Gil Spencer**

But I wanted Watts to take a polygraph test.

I visited him a month ago. We spent a couple of hours in a small private cubicle off the visitors' room. He told me his version of what happened that night. We talked about other things, too. Before I left, I asked him if he was willing to take the test. He said he would.

Former Delaware County detective Roger Rozsas agreed to perform the exam gratis. So all that stood in the way of it being done was the Pennsylvania Department of Corrections.

Over the next few weeks, I called Graterford prison numerous times.

Gerry Galinski is Graterford's media relations guy. He was helpful in getting me on Watts' visitors list. He was less helpful in getting the polygraph test set up. That decision had to be made further up the department's chain of command.

When Galinski finally got back to me, he told me the answer was no. Such a request would have to be made by an inmate's attorney or ordered by a judge.

Contacted by Rich Hepburn, Drexel Hill defense lawyer Steve Leach has been quietly working on the Watts case for several months.

Specifically, Leach had been seeking the results of a gunshot-residue test conducted by the state police back in 1985. Shortly after his arrest, Watts' hands were swiped for residue. If Watts had fired a sawed-off shotgun that night, there should have been residue on his hands. For some reason though, the results of that test were never introduced at his trial by the prosecution or given to the defense.

When asked about the test in court, the Chester police detective in charge of the investigation testified that he never followed up with the state police for its results.

Hepburn believes that if the test results could be dug out of the state police archives, they will show Watts had not recently fired a gun.

However, when Leach asked the county D.A.'s office for help in getting the results of that test, it declined.

That's when Hepburn came to the Daily Times.

He told me about witnesses in the case who had recanted their testimony and about the missing residue test.

Little of what Hepburn told me led me to believe Watts was innocent. He had a serious history of violence. But it was enough for me to entertain the possibility.

That's when I got the idea for the polygraph exam. Leach, too, was supportive of the idea.

When I called Leach to tell him the prison had turned down my request, he said he would contact the warden himself. He wrote a formal letter of request and sent it out in September.

A couple more weeks passed.

Finally, last Monday morning, I got a call from Hepburn. There was no longer any need for a lie-detector test. Alonzo Watts was dead.

"He died Saturday morning," Hepburn told me. "A heart attack."

He was 57 years old.

He'd been playing cards and suddenly felt a tingling in his arms. He went to the prison dispensary. An ambulance was quickly called. He died before it got there.

Wednesday, I met Hepburn for lunch.

"I've talked to a lot of people in jail," the old man said, "and a lot of them would go through periods of being morose and self-pitying. That was never the case with Alonzo. He was always upbeat. When I'd ask him how he was, he always said, 'Terrific. Terrific.'"

I noticed the same thing about him. For a guy who claimed to be innocent and doing life in prison for a crime he didn't commit, he showed a surprising lack of bitterness.

The day I met him, I asked him how things were in prison.

Watts smiled.

"I hate to say great, but ..

Great?

He seemed to think so. He said he was part of something called the Lifers' Public Safety Initiative, which, he said, involves "a lot of us older guys" counseling younger inmates. He was a tutor, helping younger guys learn how to read, and a member of the prison-based Victims Service board.

"Graterford," he said proudly, "is the safest maximum-security penitentiary in the world thanks to the lifers."

They lost one last week.

One more thing. Tuesday, I talked to Leach. He'd heard back from the prison on our request to polygraph Alonzo in a letter dated Oct. 2, five days before Watts' death.

It was denied.

Gil Spencer's column appears Sunday, Wednesday and Friday. E-mail gspencer@delcotimes.com

<http://www.delcotimes.com/articles/2006/10/16/opinion/17332547.txt>

Opinion

Editorial: Why did the D.A. block a murder inquiry?

In 1986, Alonzo Watts was convicted of murdering Cleophus Toler with a single shotgun blast in early September 1985. A man with a violent past, Watts' fate was sealed when a friend of the murder victim testified that, as he lay dying, Toler whispered, "Alonzo did it."

Monday, October 16, 2006

Pretty serious evidence. But 22 years later Richard Hepburn, a Haverford native working with Centurion Ministries, believed Watts was telling the truth when he said he didn't do it.

He told Daily Times columnist Gil Spencer the trial transcript and the recanting of the friend's "Alonzo did it" testimony convinced him Watts was worth fighting for.

Spencer asked Watts to take a polygraph test. He agreed, but the prison refused to allow the inmate to be hooked up to a lie detector.

Steve Leach, Watts' attorney, also tried to get the results of a gunshot-residue test conducted by the state police after Watts' arrest. The Delaware County District Attorney's office declined to help him.

On Oct. 7, Alonzo Watts died in prison. But the questions did not die with him. Why would a prison object to an inmate taking a lie-detector test? Why would the District Attorney's office refuse to help a defense attorney get evidence that was not introduced at the trial?

And, most importantly, isn't the idea of justice to try and make sure the guilty go to prison and the innocent are set free?

This month a man was cleared of the rape of a police officer's wife after 21 years in prison. Scott Fappiano was 23 years old when he was convicted. The hard work of the Innocence Project and DNA evidence freed him at the age of 44.

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Two cases, one in New York and on another continent, but two among many.

The Innocence Project has many branches and a couple of names. Considered the first is Centurion, which started in 1983 and has helped 14 innocent people to be released from prison.

Perhaps the best known is at the Benjamin N. Cardozo School of Law at Yeshiva University, founded in 1992.

But no matter the name or location, all the projects work to exonerate the innocent men and women in prison. Their work has set 183 wrongly convicted prisoners free. It has also prompted 31 states to initiate laws to provide for motions in post-conviction DNA testing.

Pennsylvania's statute enacted in 2002 "provides that persons sentenced to death may assert innocence in a motion for DNA testing of specific, available evidence for which DNA technology was not available at the time of the conviction, or the defendant's counsel did not seek testing, or the court refused to pay for testing for an indigent client."

While the statute provides for DNA evidence in death sentence cases, the Fappiano case proves it's just as important and should be provided for those not sentenced to death.

Evidence other than DNA appears not so easy to obtain. Why would gunshot-residue evidence that could either help confirm the conviction or help prove the innocence of a prisoner be denied to his lawyer?

While polygraphs cannot be used in a court of law, the test requested would have helped those willing to work on Watts' case for freedom.

Alonzo Watts died at age 57 a little over a week ago, but the questions still remain.

<http://www.dailylocal.com/article/20060906/NEWS/309069986/justice-is-not-blind-and-neither-is-it-infallible>

News »

Justice is not blind, and neither is it infallible

GIL SPENCER

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The transaction was allegedly interrupted by a man who came up behind Powell and told him to "move over." The barrel of a gun was raised, a trigger was pulled and a single shot was fired. The man convicted of firing that shot was Alonzo Watts, a former Marine who'd had his run-ins with the law in the past, but, according to his boss, had been a model employee for the previous three years.

Watts has been in prison now for 21 years. The shooting occurred on Sept. 3, 1985.

On that evening, Watts had been out with the 26-year-old Powell most of the night. He had attended a family barbecue that day and hooked up with Powell that evening.

According to his testimony at Watts' trial, Powell, an unemployed bouncer, said he'd been drinking and snorting cocaine most of that weekend.

At about 9 p.m. Watts gave Powell a lift in his car down to the William Penn projects. Watts wanted to see how his teenage son was doing. Powell wanted to buy some more coke. (Two women, friends of Toler's, would later testify they saw Watts leave the projects with a shotgun.)

Powell and Watts returned to the bar and stayed until closing.

During that time, Powell testified he continued to drink and at one point went upstairs and "got together" with a woman named Helen.

At closing time, Powell said he saw Toler at the bar and made arrangements to buy more cocaine. It was while this buy was going down that Toler was suddenly and fatally shot.

According to Powell, as he stood at Toler's car (he'd gotten Toler to agree to take \$8 for a dime bag) he heard Watts' voice behind him. "Move," the voice said. But before he had the chance, the barrel of a gun was raised and the shot was fired.

Powell said he was stunned for a moment and when he turned around Watts was sitting in his car, while a woman named Kathy Morgan was shouting, "I saw what you did."

Powell said he ran to Watts' car, which was parked just a few yards away and said, "Man, can you get me out of here?"

Powell never explained why he ran to the car of the man he believed just shot his drug dealer.

But then, neither did Watts. On the advice of his attorney, he never took the witness stand.

Though shot in the chest, Toler left the scene, too. He bolted from his car and ran between houses until he got to the McIlvain Street porch of Josephine Cobb.

Cobb testified that she was awake and making coffee just before 5 a.m. when she heard a noise and then saw a young man at her front door. The man said he'd been shot and asked her to call an ambulance. She didn't open her door but she did call the police and asked for an ambulance to be sent right away.

After the police arrived, Cobb went outside and observed the scene until Toler was taken away in the ambulance.

According to the Chester police, a friend of Toler named Debbie Church rushed to the scene from the bar. She was allowed to speak with him as he lay dying on Cobb's porch. Church later testified that Toler whispered to her, "Hey, Debbie, Alonzo did it, Alonzo did it." But Cobb testified that while Church was there and upset she never knelt down close enough to the victim to speak to him.

Richard Hepburn, a retired math teacher, has been investigating this case for years. He's an investigator for Centurion Ministries, which looks into claims of innocence, mostly by convicted murderers. He's taken this case on personally.

He tells me that Church has since recanted her testimony implicating Watts in both a signed affidavit and on videotape. She now says she was worried that she would be charged with prostitution if she didn't say what the police wanted her to say.

Another prosecution witness, one of the women who claimed to see Watts leaving William Penn with a shotgun, has recanted her testimony as well.

Based on this and other evidence, Hepburn believes there is a very good chance Watts is innocent.

So after talking to Hepburn and reading his summation of the case I sent Watts a letter at Graterford state prison.

In it I asked him if he would be willing to take a polygraph test. Courts aren't allowed to put any stock in lie detector tests. But I am. And I do.

I should know by next week if Watts will agree to take the test.

If he does, we'll take it from there.

Gil Spencer's column appears Sunday, Wednesday and Thursday. E-mail him a gspencer@delcotimes.com/